

Plaintiff's Exhibit A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division
Civil Case No. 1:25-cv-37 -MR-WCM**

M.K., a minor, by and through her father and next friend Earl Kratzer,

Plaintiff,

v.

STEPHEN FISHER, et al.,

Defendants.

DECLARATION OF M.K.

I, M.K., hereby declare:

1. I am a junior at Shelby High School, a public high school located in Shelby, NC.
2. I am 17 years old.
3. My favorite subjects are math and science.
4. I am on the A honor roll. After I graduate, I want to go to college.
5. I am the President of the Activism Club at Shelby High School.
6. I founded the Club in my freshman year to provide a space for students to discuss topics that need awareness and weren't covered by the official curriculum.
7. These topics have included the Black Lives Matter movement,

Women's History Month, the war in Gaza, breast cancer awareness, suicide prevention, and others.

8. None of our club meetings have disrupted school activities.

9. For some topics, like the war in Gaza, club members had to get parent permission to participate.

10. I don't know of any other clubs that have had to get permission slips for meetings.

11. Participation in the Club is entirely voluntary and meets during the school day's "flex period."

12. The flex period happens every day from 10:45 to 11:15am.

13. Other clubs like the Bible Club, Dungeons and Dragons Club, Crochet Club, the Black Student Union, Art Club, Board Game Club, Interact Club, and Spanish Club meet during the flex period.

14. We don't get any grades for participating in the Activism Club.

15. The Activism Club doesn't get any school funding.

16. We have a staff advisor, Ms. Haley Pond, who is a counselor at Shelby High School.

17. Ms. Pond is present for Club meetings. She takes attendance but doesn't participate in Club activities. Ms. Pond spends most of the time during Club meetings doing her own work.

18. In April 2024, I proposed the Club play a Jeopardy style game highlighting LGBTQ+ individuals who have made significant contributions to society. (Attachment 1.) Everything in the game is accurate to the best of my knowledge.

19. LGBTQ+ people have faced a lot of adversity in this country. I thought playing the game would help bring awareness to LGBTQ+ people who have made contributions to society.

20. The game is Jeopardy-style quiz game that asks players to identify LGBTQ+ historical figure, actors, and singers like Harvey Milk, Lady Gaga and Ellen DeGeneres in addition to TV shows and movies that have LGBTQ+ people in them.

21. I created the game using a free, online template and wrote the questions and answers myself.

22. I proposed this game to Ms. Pond, who thought the game was a good idea.

23. I was told by Ms. Pond that Mr. Wortman, the school principal, did not think it was a good idea to play the game without parental permission slips. (Attachment 2 at 1.)

24. The game was postponed for the time being.

25. I sent Ms. Pond a schedule for the Activism Club for the upcoming

school year on July 15, 2024, and again proposed the quiz game for the Club's October meeting. (Attachment 3 at 2.)

26. On August 7, 2024, Ms. Pond let me know that she had forwarded the schedule to Mr. Wortman, who thought some of the topics were sensitive and may require permission slips.

27. On October 31, 2024, Ms. Pond told me that after speaking to Sandy Hamrick, the Cleveland County Board Liaison, who had spoken to Superintendent Fisher, the Activism Club would not be allowed to play the game. Ms. Pond wrote that Dr. Fisher was concerned about how the Club meets during the school day and how that relates to the new Parents Bill of Rights law. (Attachment 4 at 2.)

28. Activism Club has still not been allowed to play the game.

29. I don't know of any other clubs that have been prohibited from discussing any other topics during regular club meetings.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19th the day of February 2024



A handwritten signature in black ink, appearing to read "M.K.", is written over a horizontal line. The signature consists of two main loops on the right and a single stroke on the left.

JEOPARDY!

LGBTQ+ Representation

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JEOPARDY BOARD

FINAL JEOPARDY

Music

2000's
Icons

TV/Movies

Books

Mystery

\$100

\$100

\$100

\$100

\$100

\$200

\$200

\$200

\$200

\$200

\$300

\$300

\$300

\$300

\$300

\$400

\$400

\$400

\$400

\$400

\$500

\$500

\$500

\$500

\$500

Music - \$100 Question

Famous American rapper
who rose to fame in 2018-
2019



Music - \$100 Answer

Lil Nas X



Music - \$200 Question

What artist sings this: “Got my hands up, they’re playin’ my song”



Music - \$200 Answer

Miley Cyrus



Music - \$300 Question

Who sings Super Rich Kids?



Music - \$300 Answer

Frank Ocean



Music - \$400 Question

What artist sings: “Long
nights, daydreams
Sugar and smoke rights, I’ve
been a fool but strawberries
and cigarettes”



Music - \$400 Answer

Troye Sivan



Music - \$500 Question

Was discovered on TikTok, going viral for her talented music covers. Opener for Renée Rapp.



Music - \$500 Answer

Towa Bird



2000's Icons - \$100 Question

Expressing her bisexuality through her music and public persona. Her anthem ‘Born This Way’ resonated with many in the LGBTQ+ community.



2000's Icons - \$100 Answer

Lady Gaga



2000's Icons - \$200 Question

She is married to Portia de Rossi and was the voice of Dory in Finding Nemo



2000's Icons - \$200 Answer

Ellen DeGeneres



2000's Icons - \$300 Question

Broke television stereotypes when he came out publicly in 2006. As an openly gay actor playing a straight character, he challenged societal expectations and became an inspiration for many in the LGBTQ+ community. Known to be in Doogie Howser, the 1989 Sitcom



2000's Icons - \$300 Answer

Neil Patrick Harris



2000's Icons - \$400 Question
Participated in the 8th season of American Idol, and became a beacon of pride for the LGBTQ+ community. He has collaborated with rock band Queen as lead vocalist.



2000's Icons - \$400 Answer

Adam Lambert



2000's Icons - \$500 Question

Gained great visibility in 2003 when he became a cast member of the tv makeover series Queer Eye for the Straight Guy, serving as its food and wine specialist. Host of the hit prime-time competition series Chopped on Food Network.



2000's Icons - \$500 Answer

Ted Allen



TV/Movies - \$100 Question

A British coming-of-age
romantic comedy-drama
television series on Netflix,
written and created by Alice
Oseman.



TV/Movies- \$100 Answer

Heartstopper (2022-)



TV/Movies - \$200 Question

Type Swedish teen drama romance television series on Netflix. Prince Wilhelm adjusts to life at his prestigious new boarding school, but following his heart proves more challenging than anticipated.



TV/Movies - \$200 Answer

Young Royals (2021-2024)



TV/Movies - \$300 Question

An American reality television series, set out to Atlanta to help some of the city's people refine their wardrobes, grooming, diet, cultural pursuits, and home decor.



TV/Movies - \$300 Answer

Queer Eye (2018-)



TV/Movies - \$400 Question

A contemporary coming-of-age story about a girl who's trying to determine where she fits in.

She is turning 13 at the beginning of the series when her world turns upside down after discovering a huge secret.



TV/Movies - \$400 Answer

Andi Mack (2017-2019)



TV/Movies - \$500 Question

A shy, straight A-Chinese-American student who is approached by a male jock at her school who asks her to write a love letter to Aster Flores, the girl he has a crush on, and the girl she has a crush too.



TV/Movies - \$500 Answer

Half Of It (2020)



Books - \$100 Question

An ongoing LGBTQ+ young adult graphic novel and webcomic series written and illustrated by British author. Explores friendship, love, and coming out.



Books - \$100 Answer

Heartstopper



Books - \$200 Question

Tells the story of Simon, a junior growing up in a small conservative town. He is gay and has not shared it with anyone and is not ready to yet. Keeping up a relationship via email w/a boy.



Books - \$200 Answer

Simon vs. the Homo Sapiens
Agenda



Books - \$300 Question

Follows a Black queer girl, Liz Lighty who has always believed she's too black, too poor, too awkward to shine in her small, rich, prom-obsessed Midwestern town. Despite her anxiety, she runs for prom queen in her school's prom competition in order to get a scholarship to her dream school.

Author: Leah Johnson



Books - \$300 Answer

You Should See Me In A
Crown



Books - \$400 Question

A LGBTQ+ romance novel by American author Casey McQuiston.

The First Son of the US, falling in love with the Prince of England. The novel is set in America in 2016, when Alex's mother has just been elected President. Filled with hope, love, and the possibility of radical change.



Books - \$400 Answer

Red, White, and Royal Blue



Books - \$500 Question

A novel written by an American author Torrey Peters. The lives of 3 women- transgender and cisgender collide after an unexpected pregnancy forces them to confront their deepest desires



Books - \$500 Answer

Detransition, Baby



Mystery- \$100 Question

The first openly gay politician in California. He advocated for improvements and access to resources for the gay community. He was 48 years old when he was assassinated in 1978.

- A) John F. Kennedy
- B) Harvey Milk
- C) Frida Kahlo
- D) James Baldwin



Mystery - \$100 Answer

B) Harvey Milk



Mystery - \$200 Question

Who created the trans flag?

- A) Gilbert Baker
- B) Mike Page
- C) Monica Helms
- D) Frida Kahlo



Mystery - \$200 Answer

C) Monica Helms



Mystery - \$300 Question

He acted in Star Trek, and
has been a huge advocate
for LGBTQ rights.

- A)George Takei
- B)Matt Bomer
- C)Wilson Cruz
- D)Billy Porter



Mystery - \$300 Answer

A)George Takei



Mystery - \$400 Question

Who came out as gay and announced his engagement after he was inspired to come out after the passage of the Respect for Marriage Act, which allows all states to recognize same-sex marriages.

He is a former MLB pitcher for Cleveland Indians and Toronto Blue Jays.

- A) Billy Bean
- B) TJ House
- C) David Denson
- D) Anderson Comas



Mystery - \$400 Answer

B) TJ House



Mystery - \$500 Question

Who is the first openly gay man to actively play in the NFL?

- A)Ryan Russell
- B)Carl Nassib
- C)Robbie Rogers
- D)Jason Paul Collins



Mystery - \$500 Answer

B) Carl Nassib



FINAL
JEOPARDY!

Past Jeopardy Winner



Final Jeopardy Question

Who was the first openly transgender person to compete in, and to win, the Jeopardy! Tournament of Champions?

- A)Julia Collins
- B)James Holzhauer
- C)Amy Schneider
- D)Rhone Talsma



Final Jeopardy Answer

C) Amy Schneider



Fwd: Litter Sweep First Broad River Trail - Monday, April 22nd

----- Forwarded message -----

From: Haley Pond <[REDACTED]>

Date: Mon, Apr 15, 2024 at 3:08 PM

Subject: Re: Litter Sweep First Broad River Trail - Monday, April 22nd

To: [REDACTED] >

I checked with Mr. Wortman about the Jeopardy game. He does not think it's a good idea to play jeopardy using a sensitive topic without parent permission in the group. We may have to table that game for now. Is there something we can do or plan for Fast Fashion?

Thanks,

Haley Pond
9th Grade Counselor
Shelby High School
hspond@clevelandcountyschools.org
704-476-8325

On Mon, Apr 15, 2024 at 8:30 AM [REDACTED] > wrote:

I'm in Mrs. Charles's room right now, and I don't see a TV in her room. A member of our group is creating an infographic on fast fashion facts that we can share on Google Classroom.

On Mon, Apr 15, 2024 at 8:24 AM Haley Pond <hspond@clevelandcountyschools.org> wrote:

Also, are we still doing the Fast Fashion Day?

Haley Pond
9th Grade Counselor
Shelby High School
hspond@clevelandcountyschools.org
704-476-8325

On Mon, Apr 15, 2024 at 8:16 AM Haley Pond <hspond@clevelandcountyschools.org> wrote:

The only room not filled is the one we normally use. It does have a screen that we can project to though I believe.

Haley Pond
9th Grade Counselor
Shelby High School
hspond@clevelandcountyschools.org
704-476-8325

On Fri, Apr 12, 2024 at 3:40 PM [REDACTED]

> wrote:

Can we meet in a classroom with a tv?

On Fri, Apr 12, 2024 at 2:44 PM [REDACTED]

> wrote:

No worries. I'm sorry that you had to start the week off sick. I'm glad you're here! Does Wednesday, April 17th work for you?

That would be great if you advertise that to the student grade levels classroom + announcements emails.

Enjoy your weekend,

On Fri, Apr 12, 2024 at 2:27 PM Haley Pond <hspond@clevelandcountyschools.org> wrote:

I apologize, I was out sick the first part of the week. When did you want jeopardy to be?

The Big Sweep - am I just advertising that?

Thanks,

Haley Pond
9th Grade Counselor
Shelby High School
hspond@clevelandcountyschools.org
704-476-8325

On Wed, Apr 10, 2024 at 8:17 AM [REDACTED]

[REDACTED] > wrote:

Need something to do for Earth Day?

Broad Riverkeeper, Shelby Pride, and SW4P got you! They will be doing a litter sweep of the First Broad River Trail on April 22nd at 5PM! There will be two starting points and we will meet in the middle! One access point will be at the trailhead on Grover street and the other will be the Ingles access. Can't wait to see everyone there! Bring a friend, some water, and some walking shoes! Mark those calendars!!

This is a fantastic opportunity for you to support your community if you are free on this day! A great way to get some service hours as well



Would it be possible for us to play jeopardy on [LGBTQ+ Representation](#)
\$100 = 1 piece of candy, \$200 = 2 pieces of candy...

Ex. A, Attachment 2

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I understand that you may not be available. I've stopped by your office a couple of times. I hope your break has been wonderful!

Thanks,

[REDACTED]

Fwd: Summer Updates for Activism Club

----- Forwarded message -----

From: Haley Pond <hspond@clevelandcountyschools.org>

Date: Wed, Aug 7, 2024 at 12:14AM

Subject: Re: Summer Updates for Activism Club

To: [REDACTED] >

We are super busy but I have forwarded your ideas to Mr. Wortman with the understanding that we could get parent approval if needed for sensitive subjects. I love the enthusiasm! I will let you know when I hear back.

Thanks,

Haley Pond
School Counselor, Student Last Names A-G
Freshmen Coordinator
Shelby High School
hspond@clevelandcountyschools.org
704-476-8325

On Tue, Aug 6, 2024 at 3:29 PM [REDACTED]

<[REDACTED]> wrote:

I wanted to check in and see how things were going. I completely understand the hassle of the beginning of the year. I want to make sure the school board allows the activism club to proceed with

the following plans this year :)

----- Forwarded message -----

From: [REDACTED] >

Date: Mon, Jul 15, 2024 at 2:06 PM

Subject: Summer Updates for Activism Club

To: Haley Pond <hspond@clevelandcountyschools.org>

Hi Mrs. Pond!

I hope your summer is going great! Summer is going way too fast for me. I wanted to give you a few updates on the Activism club. I know that you'll be busy with freshman orientation, your daughter going to college, etc etc is coming around the corner.

I've been in contact with a few people who can help us bring awareness to specific matters.

I wanted to get a head start and get approval from the school board.

September: This will take the whole month. Every Monday/Wednesday (except 9/2 (labor day)). Whatever Mondays and Wednesdays that work for you. Lizz is pretty flexible.

- Collaborate with the Mental Health Association of Cleveland County (egrimsley@clevelandcountymha.org) .
- CRM stands for Community Resiliency Model. Is more of an mental health aspect of how Suicide can effect adults and children. CRM aims to create trauma-informed and resilience-focused communities by teaching individuals to track their nervous systems and promoting a shared understanding of trauma and chronic stress's impact on the nervous system.
- QPR stands for Question, Persuade, Refer. It is a suicide prevention training that equips people with the tools to intervene if they believe someone is at risk of suicide.

October:

- Shelby Pride Leadership Team (shelbypridenorthcarolina@gmail.com) , Melissa McCleave, the president of Shelby Pride will be joining us hosting LGBTQ+ Representation Jeopardy game and discuss the importance of celebrating Pride.
- October 16th + October 23rd (ideal dates- she's flexible as well)

November:

- Broadriver Keeper- David Caldwell will drop by to share a presentation of what's happening to the water quality right here at broadriver.

December:

- Keeping it chill.

Thank you,

Fwd: Activism Club Inf

----- Forwarded message -----

From: Haley Pond <hspond@clevelandcountyschools.org>

Date: Thu, Oct 31, 2024 at 3:14 PM

Subject: Activism Club Info

To: [REDACTED] >

Unfortunately, the answer to the LGBTQ jeopardy game is no. I spoke with Sandy Hamrick who met with Dr. Fisher, and the biggest concern is around the club activities taking place during the school day and how that relates to the new parent bill of rights. I know you put a lot of work into the jeopardy game and you are trying to spread awareness. Hopefully, we can think of some other ways that may highlight the LGTBQ community to others through the planning of the "Start with Hello" week for next September or for a bullying prevention activity. We can work together to get approval for activities from Mr. Wortman before we create them.

I appreciate your work with the Activism Club and look forward to our next meeting! You are doing a fabulous job as President!

Thank you,

Haley Pond
School Counselor, Student Last Names A-G
Freshmen Coordinator
Shelby High School
hspond@clevelandcountyschools.org

